

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/10261

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 1-8 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compounds.
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
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| WO 03053945 | A | 03-07-2003 | WO 03053945 A2 | 03-07-2003 |
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| WO 02072536 | A | 19-09-2002 | EP 1366020 A1 | 03-12-2003 |
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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/4439 A61K45/00 A61P1/00 A61P13/00 A61P29/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, EPO-Internal, PAJ, EMBASE, MEDLINE, BIOSIS, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X | WO 02 08221 A (BAKTHAVATCHALAM RAJAGOPAL ; DESIMONE ROBERT W (US); NEUROGEN CORP () 31 January 2002 (2002-01-31) cited in the application page 1 -page 37 in particular p. 32, claim 192 --- | 1,7-11 |
| X | WO 02 16317 A (KIM HEE DOO ; LEE JEE WOO (KR); PARK YOUNG HO (KR); SUH YOUNG GER () 28 February 2002 (2002-02-28) cited in the application page 1 -page 7 page 24, line 8 - line 13 in particular p. 4 page 93, line 8 page 95, line 11 -page 96, line 2 claims --- -/- | 1,4,7, 9-11 |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

* & * document member of the same patent family

Date of the actual completion of the international search

29 January 2004

Date of mailing of the international search report

12/02/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X | WO 99 63986 A (DETTMAR PETER WILLIAM ;JOLLIFFE IAN GORDON (GB); GARDINER FIONA (G) 16 December 1999 (1999-12-16) page 5, line 13 -page 6, line 2 --- | 1,4-7, 9-11 |
| X | BORTOLOTTI M ET AL: "The treatment of functional dyspepsia with red pepper" ALIMENTARY PHARMACOLOGY AND THERAPEUTICS, vol. 16, no. 6, June 2002 (2002-06), pages 1075-1082, XP001157342 ISSN: 0269-2813 the whole document --- | 1,4-7, 9-11 |
| X | LAZZERI M ET AL: "Intravesical capsaicin for treatment of severe bladder pain: A randomized placebo controlled study" JOURNAL OF UROLOGY, vol. 156, no. 3, 1996, pages 947-952, XP009024463 ISSN: 0022-5347 the whole document --- | 1,7,9-11 |
| P,X | WO 03 022809 A (RAMI HARSHAD KANTILAL ;WYMAN PAUL ADRIAN (GB); THOMPSON MERVYN (GB) 20 March 2003 (2003-03-20) cited in the application page 2 -page 10 page 33 page 15, line 15 - line 32 example 1 --- | 1-11 |
| P,X | WO 03 053945 A (RAMI HARSHAD KANTILAL ;THOMPSON MERVYN (GB); SMITHKLINE BEECHAM PL) 3 July 2003 (2003-07-03) cited in the application page 2 -page 5 page 10, line 17 - line 33 --- | 1-11 |
| P,X | WO 03 068749 A (MITCHELL DARREN JASON ;RAMI HARSHAD KANTILAL (GB); GLAXO GROUP LTD) 21 August 2003 (2003-08-21) page 2, line 26 -page 21 page 33, line 5 - line 33 --- | 1-11 |
| P,X | WO 02 072536 A (WYMAN PAUL ADRIAN ;GLAXOSMITHKLINE (GB); THOMPSON MERVYN (GB); SMI) 19 September 2002 (2002-09-19) cited in the application page 1 -page 3 page 4, line 36 -page 5, line 8 --- | 1-11 |
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| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|--|---|-----------------------|
| Category * | Citation of documents, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| P, X | <p>WO 02 090326 A (RAMI HARSHAD KANTILAL ; WYMAN PAUL ADRIAN (GB); THOMPSON MERVYN (GB) 14 November 2002 (2002-11-14) cited in the application page 1 -page 3 page 5, line 24 - line 36 -----</p> | 1-11 |

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Continuation of Box I.2

The subject-matter of present claims 1-7 and 9-11 is defined by means of the functional feature 'vanilloid receptor antagonist'.

The functional feature relates to a large number of possible compounds, and it is not clear which compounds, structurally defined, are encompassed in the definition (Art. 6 PCT).

Because of the character of the functional feature, it cannot be guaranteed that the performed search is complete.

It cannot be excluded that compounds fulfilling the requirements of the functional feature have not been identified as doing so in the prior art. If such compounds have not been identified in the application either, they have not been covered by the search.

The search has been carried out, based on the functional feature per se as well as on the compounds which are disclosed in the documents to which reference is made in the present application.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.